



August 18, 1999

Mr. Hollis D. Young  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR99-2338

Dear Mr. Young:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126582.

The City of San Antonio (the "city") received an open records request for "all statements, grievance forms" pertaining to incidents involving the requestor and Officer Rene Villareal. In response to the request, you submit to this office for review the information at issue. You claim that the requested records are excepted from required public disclosure pursuant to sections 552.103 and 552.108 of the Government Code. We have considered the exceptions and arguments you raise, and have reviewed the information submitted.

Section 552.108, the "law enforcement," exception excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

....

(c) This section does not except from the requirements of section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Although you have not specifically cited section 552.108(a)(1), you state that “the City of San Antonio has filed a criminal charge of assault,” which relates to a pending criminal investigation. Based on your representation of a pending criminal investigation, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). Therefore, we conclude that the city may withhold most of the submitted information from disclosure under section 552.108(a)(1).

However, certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.<sup>1</sup> *See* Gov't Code § 552.108(c); *see generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 187 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for basic information subject to release, section 552.108(a)(1) excepts the remaining information from public disclosure. Although section 552.108 authorizes you to withhold the remaining information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision.<sup>2</sup> This ruling is limited to the particular records at issue under the facts

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<sup>1</sup>We further note that basic information in an offense report generally may not be withheld under either section 552.103 or section 552.108. *See* Gov't Code § 552.108(c); *cf.* Open Records Decision No. 597 (1991).

<sup>2</sup>Because the requested information may be withheld under section 552.108, we need not address your section 552.103 arguments.

presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with the first name "Sam" being more prominent than the last name "Haddad".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref: ID# 126582

Encl. Submitted documents

cc: Mr. Michael A. Alejandro  
82 Storeywood Drive  
San Antonio, Texas 78213-3029  
(w/o enclosures)